

EXHIBIT B

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August 24, 2017

VIA ELECTRONIC MAIL AND FEDERAL EXPRESS

Helen Davis Chaitman
Chaitman LLP
465 Park Avenue
New York, NY 10022
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Re: In re: Bernard L. Madoff Investment Securities LLC, Adv. Pro. 08-01789 (SMB)

Dear Ms. Chaitman:

We write in response to your letter dated August 17, 2017 in which you objected to the Trustee's request that you return and destroy inadvertently produced documents that contained privileged material (the "August 17 Letter"). The Trustee's claw back notification letter, sent on August 8, 2017, requested the return of inadvertently produced material pursuant to Paragraph 14 of the Litigation Protective Order [ECF No. 4137] ("LPO") and Federal Rule of Evidence 502(b). Contemporaneously with the claw back request, the Trustee provided you with replacement versions of the documents at issue, less the privileged portions, to minimize the possibility of any prejudice to you. Further, none of the inadvertently produced information has been used in any judicial proceeding, as your August 17 Letter states.

We have attached a privilege log containing "a description of the basis for the claim of privilege or immunity for the Inadvertent Production," as required under the applicable section of the LPO, Paragraph 14, and also under Federal Rule of Civil Procedure 26(b)(5) (instructing party claiming privilege to describe the nature of the document "in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim."). Thus, we do not believe that you are entitled to any information beyond that which is contained in the log.

The clawing back of inadvertently produced material falls squarely within the purpose of Paragraph 14 of the LPO and Federal Rule of Evidence 502(b) and, as such, we believe it should be settled without the need for judicial intervention.

Sincerely,

/s/ David J. Sheehan

David J. Sheehan

Enclosure

cc: Andrew B. Kratenstein, Esq. (akratenstein@mwe.com)

August 24, 2017

Trustee's Privilege Log Relating to Claw Back Request dated August 8, 2017

Document Identifier	Date	Document Type	To	From	Privilege/Protection	Description
MWPTBH00539772	Undated	Excel spreadsheet	N/A	N/A	Attorney-Client Privilege/Attorney Work Product	Notes and comments from the Trustee's consultants to his attorneys at the direction of the Trustee's counsel in furtherance of legal advice regarding the BLMIS warehouse inventory project
Excel Version of Exhibit B to ECF No. 16348	6/28/2017	Excel spreadsheet	N/A	N/A	Attorney-Client Privilege/Attorney Work Product	Notes and comments from the Trustee's consultants to his attorneys at the direction of the Trustee's counsel in furtherance of legal advice regarding the microfilm identification project